

MAIL STOP RESPONSE
Attorney Docket No. 24678

REMARKS

Upon entry of the amendments, claims 1-13 are pending in the application. Claim 13 has been allowed and claims 1-3, 6 and 13 have been amended. The amendments do not introduce any new matter within the meaning of 35 U.S.C. §132. Therefore, entry of the amendments is respectfully requested.

Further, Applicants note that box "c" under the section **Priority under 35 U.S.C. §§ 119 and 120** in the Office Action Summary page is marked. Applicants respectfully point out that the original certified copy of priority document no. 00 1 09219.7 was filed with the USPTO on December 5, 2001. Therefore, Applicants respectfully ask the Examiner to acknowledge receipt of said document.

1. Objection to the Oath / Declaration

In the Office Action, the Examiner states that:

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: It does not include the notary's signature, or the notary's signature is in the wrong place.

Applicants would like to thank the Examiner for his time in reviewing this matter pursuant to a telephone call placed by Applicants' representative on February 3, 2004. During a follow-up telephone discussion on February 12, 2004, the Examiner acknowledged that the executed Declaration filed on August 22, 2001 in response to a Notice to File Missing Parts is sufficient and that the stated objection is obviated. Specifically, the Examiner agreed that the Declaration as filed correctly identifies Applicants' application by its filing date and number and that it is not required to be notarized. Therefore, Applicants respectfully request the Examiner to withdraw the objection of the Declaration.

2. Objection to the Specification

In the Office Action, the Examiner states that:

The disclosure is objected to because of the following informalities: there are several misspelled words in the specification, such as "hydrogenation" on the first line of the 3rd paragraph on page 4, "device" on line 2 of page 12. Applicants are suggested to review the entire specification for the possible misspelled words.

Appropriate correction is required.

Applicants have reviewed the entire application, including the specification and claims, for spelling errors, and have made appropriate corrections thereof, as presented herein. Therefore, the Examiner is respectfully requested to reconsider and withdraw the objection to the specification.

3. Rejection of Claims 1-12 under
35 U.S.C. §112, second paragraph

Claims 1-12 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In the Office Action, the Examiner states:

Regarding step (3) of claim 1, "the C4-C10 process stream on line 3 of the step lacks clear antecedent basis.

"the process stream" on line 2 of claim 2 lacks a clear antecedent basis.

"or the mixtures thereof" on the last line of claim 3 is so confused since it is unclear which ones are included in this mixture.

Applicants respectfully traverse the Examiner's rejection.

Regarding the §112, second paragraph rejection, caselaw has defined two requirements under the statute: (1) whether the applicant has stated the invention as something elsewhere in the application which would not fall under the scope of the claims; and (2) whether the claims would be communicated with a reasonable degree of particularity and distinctness to a person skilled in the art in light of the content of the disclosure and the teachings of the prior art. MPEP §2171, §2173, and §2173.02.

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Applicants have amended claims 1 and 2 to replace the term "the" with "a" before the phrases "C4-C10 process stream" and "process stream", respectively, and thus providing appropriate antecedent basis. Claim 3 has been amended into proper Markush group format, and thus rendering said claim clear and definite. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 1-12.

CONCLUSION

Based upon the above amendments and remarks, favorable action with an early allowance of the claims pending in this application is earnestly solicited.

If the Examiner has any questions or wishes to discuss this matter, he is welcomed to contact the undersigned attorney.

Respectfully submitted,

NATH & ASSOCIATES PLLC

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NATH & ASSOCIATES PLLC
1035 Fifteenth Street, N.W.
Sixth Floor
Washington, D.C. 20005
Tel: (202) 775-8383
Fax: (202) 775-8396

GMA Nath

Gary M. Nath
Reg. No. 26,965
Tanya E. Harkins
Reg. No. 52,993
Customer No. **20529**

GMN:TEH:ayd